

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JESSE MANDER,

Plaintiff,

vs.

CAROLYN COLVIN,  
Acting Commissioner of Social Security

Defendant.

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Civil Case No. 14-1502

ORDER OF COURT

On March 25, 2015, This Court ordered Plaintiff, Jesse Mander, to show cause why this matter should not be dismissed for failure to prosecute. Plaintiff, a *pro se* litigant, filed a complaint on November 3, 2014, seeking review of a decision by Defendant, the Acting Commissioner of Social Security, denying his application for benefits pursuant to the Social Security Act. (ECF No. 2). On November 25, 2014, I entered an order directing the U.S. Marshal to "mail a copy of the summons, complaint, and this order to defendant **as directed by plaintiff.**" (ECF No. 3). Pursuant to the same, the U.S. Marshal's Office sent Plaintiff a letter dated November 26, 2014. (ECF No. 4-1). The letter directed Plaintiff to complete a U.S.M. 285 form for each defendant (as specifically listed by the U.S. Marshal's Office). (ECF No. 4-1). The U.S.M. 285 forms were attached to the letter. *Id.* Plaintiff was then directed to return the completed forms in the self-addressed enclosed envelope. *Id.* The letter specifically stated that "[i]f you fail to return the correct and completed enclosed form(s) we will be unable to complete service for you." *Id.*

Plaintiff failed to return the completed forms. Accordingly, on March 25, 2015, I entered an Order to Show Cause, directing Plaintiff to file a pleading no later than April 15, 2015, showing good cause why this case should not be dismissed for failure to prosecute. In the alternative, Plaintiff could complete and return the U.S.M. 285 forms as indicated in the U.S.

Marshal letter no later than April 15, 2015. The Order to Show Cause informed Plaintiff that failure to file a pleading demonstrating good cause why this case should not be dismissed or to return the completed U.S.M. 285 forms by April 15, 2015, would result in dismissal of this action with prejudice. To date, however, Plaintiff has failed to file the requested pleading or return the completed U.S.M. 285 forms, and has not contacted the Court or the U.S. Marshal regarding the same. I have balanced the applicable factors under Poulis v. State Farm Fire and Casualty Co., 747 F. 2d 863, 868 (3d Cir. 1984), and find that dismissal is warranted. Therefore, it is hereby ordered that Plaintiff's Complaint be dismissed and the case marked closed. AND NOW, this 21<sup>st</sup> day of April, 2015, IT IS SO ORDERED.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Donetta W. Ambrose". The signature is written in a cursive, flowing style.

Donetta W. Ambrose  
Senior Judge, U.S. District Court